

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Humans Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments change the rule that allows children in court-approved subsidized guardianship homes to receive state-funded medical assistance coverage to:

- Limit this coverage group to children for whom Iowa has financial responsibility, as originally intended;
- Remove the upper age limit for consistency with the subsidy program;
- Provide eligibility for children who leave Iowa if they are not eligible for medical assistance through their new state of residence; and
- Clarify that ineligibility under other coverage groups or in another state must be due to substantive eligibility requirements, not due to a failure to provide information or to comply with other procedural requirements.

The amendments also provide that income from the guardianship subsidy is exempt both as income and as a resource. This change is consistent with the way foster care payments are handled and will allow many children in the adoption subsidy program and perhaps other family members to qualify for federally funded Medicaid coverage.

These amendments do not provide for waivers in specified situations because the exemption of subsidized guardianship payments, the removal of the age limit, and the provision for children who leave the state confer benefits. The provision that excludes children for whom Iowa does not have financial responsibility and who are ineligible under other coverage groups or in other states only because of a failure to comply with procedural requirements does not provide for waivers because all such cases should be treated the same. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on August 13, 2008, as **ARC 7059B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on November 12, 2008.

These amendments are intended to implement Iowa Code section 249A.3.

These amendments shall become effective on February 1, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [75.1(11), 75.57(6)“s”] is being omitted. These amendments are identical to those published under Notice as **ARC 7059B**, IAB 8/13/08.

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[For replacement pages for IAC, see IAC Supplement 12/3/08.]